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09/836,873	04/17/2001	Dani Itzhaki	700-236RP	5209

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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,873

Applicant(s)

ITZHAKI, DANI

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/25/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-92 are presented for examination.

#### ***Claim Objections***

2. Claim 44 is objected to because of the following informalities:

Claim 44 is a duplicate claim of claim 40, duplicate claims is not appropriate.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-11, 16-46, 51-74 and 79-92 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunting et al., USPN 6,629,843.

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As to claim 1, Bunting discloses a method a client contact a counseling provider over a communications network comprising the steps:

a client (105 fig.1) logging in to a counseling service over a communications network and presenting by the counseling service the with list of counselors (115 fig.1) and the times slots in which they are available (see fig.1, arranging of training courses, see abstract, fig.1, col.2 line 49 to col.3 line 39 and col.6 lines 12-41);

selecting a counselor from the list of counselors and time slots and scheduling a time slot for counselor (see col.3 lines 2-57 and col.4 lines 8-36);

establishing a communication connection between client and the selected counselor the scheduled time slot (see fig.8A, col.6 lines 4-57).

As to claims 2 and 3, Bunting discloses wherein the communications network computer network and wherein the list of available counselors a web site (see col.7 lines 6-58 and col.8 lines 5-59).

As to claims 4 and 5, Bunting discloses wherein the communications network a telephone network and counselors presented to the client over the telephone connection by either an interactive customer service representative or a voice response system (see fig.11A, col.7 lines 6-58 and col.8 lines 5-59).

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As to claims 6 and 7, Bunting discloses wherein the session time scheduled in the future and the client rescheduling a session scheduled a future time slot (see fig.13, col.8 line 42 to col.9 line 49).

As to claims 8 and 9, Bunting discloses wherein the session time can be scheduled immediately for the client and wherein the communication connection established between the client and the selected counselor over a computer network (see fig.10, col.7 line 27 to col.8 line 58).

As to claims 10 and 11, Bunting discloses the communication connection is selected from a group consisting of an Internet chat room, a voice-over-Internet connection, and a video-over- Internet connection and wherein the communication between the client and the selected counselor established over a telephone network (see fig.13, col.8 line 42 to col.9 line 49).

As to claim 16, Bunting discloses a method for communications counselor contact a client over communications network the steps of:

a counselor logging counseling service over a communications network (see fig.1, see abstract, fig.1, col.2 line 49 to col.3 line 39 and col.6 lines 12-41);

the counselor indicating availability for connection to a client and the counselor being contacted by the service to be connected to a client (see col.3 lines 2-57 and col.4 lines 8-36);

establishing a communication connection between the counselor and the client (see fig.8A, col.6 lines 4-57).

As to claim 17, Bunting discloses the counselor providing the service with at least one communication connection mode for connection a client, and a contact number for that communication connection mode (see col.7 lines 6-58 and col.8 lines 5-59).

As to claim 18, Bunting discloses wherein the counselor provides, along with the least one communication connection mode, schedule comprising one or more times slots availability for that communication connection mode (see col.7 lines 6-58 and col.8 lines 5-59).

As to claim 19, Bunting discloses the method of claim 18, wherein the counselor can change the time slot of availability for a communication connection mode, for a time slot of availability previously provided to counseling service (see fig.10, col.7 line 27 to col.8 line 58).

As to claims 20, Bunting discloses wherein the counselor provides the schedule to the service over a telephone network (see fig.13, col.8 line 42 to col.9 line 49).

As to claims 21 and 22, Bunting discloses the schedule communicated client over a telephone connection by an interactive voice response system operated by the service

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and the counselor providing schedule to the service over a telephone network (see fig.13, col.8 line 42 to col.9 line 49).

As to claims 23 and 24, Bunting discloses the schedule is communicated a client over a telephone connection by a customer service representative employed by the service over a computer network and the schedule posted on a web site operated by the service (see fig.10, col.7 line 27 to col.8 line 58).

As to claims 25 and 26, Bunting discloses the counselor the schedule to the service computer network and the communication connection mode is a computer network, and the contact number for that mode is an address of a computer on that network (see col.7 lines 6-58 and col.8 lines 5-59).

As to claims 27 and 28, Bunting discloses the communication connection mode a telephone network, and the contact number for that mode phone number, and the communication connection mode is one room session: a voice-over- Internet connection, or a video-over-Internet connection (see fig.13, col.8 line 42 to col.9 line 49).

As to claims 29 and 30, Bunting discloses the service contact s the counselor over a telephone network and computer network for a connection to a client (see fig.13, col.8 line 42 to col.9 line 49).

As to claims 31 and 32, Bunting discloses the communications network over which the counselor logged into the counseling service is a telephone network and indicates availability to an interactive voice response system operated by the service (see fig.10, col.7 line 27 to col.8 line 58 and col.9 lines 16-64).

As to claims 33 and 34, Bunting discloses the counselor indicates availability to a customer service representative employed by the service and wherein the communications network over which the counselor logged into the counseling service a computer network (see fig.10, col.7 line 27 to col.8 line 58 and col.9 lines 16-64).

As to claims 35 and 36, Bunting discloses indicating availability web site operated by the service and the counselor providing the service with least one specialization category (see fig.13, col.8 line 42 to col.9 line 49).

Claim 37 is rejected for the same reasons set forth in claim 1. As to the added limitations, Bunting discloses a counselor logging into a counseling service over a communications network and the counselor indicating availability for connection to a client and the counselor being be contacted to the client (see col.7 lines 6-65 and col.8 lines 5-41).



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Claims 38 and 39 are rejected for the same reasons set forth in claims 2 and 3 respectively.

As to claims 40, 41 and 44, Bunting discloses the second communications network is a computer network and the list of available counselors is presented to the client on a web site (see fig.10, col.7 line 27 to col.8 line 58 and col.9 lines 16-64).

Claims 42 and 43 are rejected for the same reasons set forth in claims 4 and 5 respectively.

Claims 42, 43 and 46 are rejected for the same reasons set forth in claims 4, 5 and 36 respectively.

Claims 51-57 are rejected for the same reasons set forth in claims 6-8 and 17-20 respectively.

Claims 58-64 are rejected for the same reasons set forth in claims 23, 25-30 respectively.

Claims 65-74 are rejected for the same reasons set forth in claims 37-46 respectively.

Claims 79-87 are rejected for the same reasons set forth in claims 51-59 respectively.

Claims 88-92 are rejected for the same reasons set forth in claims 60-64 respectively.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15, 47-50 and 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunting et al., USPN 6,629,843 in view of Yinbal USPN 6,424,953. As to claims 12-15, Bunting's teachings still applied as in item 4 above. Bunting does not specifically disclose presenting by the service the client with payment options, the client selecting a payment option from the list of payment options and wherein the payment options pre-paid account and a pay-as-you-go account and after session, offering the opportunity to buy more session time and after the counseling session, presenting the client with more survey questions to answer. However, Yinbal discloses presenting by the service the client with payment options, the client selecting a payment option from the list of payment options and wherein the payment options pre-paid account and a pay-as-you-go account and after session, offering the opportunity to buy more session time and after the counseling session, presenting the client with more survey questions to answer (see abstract, fig.1, col.2 line 55 to col.3 line 52 and col.10 lines 8-60). It would have been obvious to one of the ordinary skill in the art at the time

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the invention was made to implement Yinbal's teachings into the computer system of Bunting to process data information because it would have provided an online assistance for educational funding and counseling services by utilizing a computer network such as the Internet.

Claims 47-50 are rejected for the same reasons set forth in claims 12-15 respectively.

Claims 75-78 are rejected for the same reasons set forth in claims 47-50 respectively.

***Other prior art cited***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. McAnaney et al, US pat. No.6,654,767.

b. Hunter et al, US pat. No.6,758,746.

**Conclusion**

8. Claims 1-92 are rejected.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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8/1/2005